

FEB. 16. 2007 2:05PM JENKINS, WILSON&TAYLOR

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JENKINS, WILSON & TAYLOR, P.A.

PATENT ATTORNEYS

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DATE: February 16, 2007

TO: Examiner Jon D. Epperson, Ph.D., Art Unit 1639

FAX NO.: (571) 273-8300

FROM: Arles A. Taylor, Jr. (omb)

RE: Serial No. 09/879,279; Our Ref. No. 1932/18/2

NUMBER OF PAGES TO FOLLOW: 15

If transmission is poor, or if you do not receive all pages, please
call (919) 493-8000 as soon as possible.

COMMENTS: Please see attached Response to a Non-compliant Amendment. Thank you.

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JENKINS, WILSON&TAYLOR

NO. 5467 P. 2

JENKINS
WILSON
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& HUNT

patent attorneys

February 16, 2007

RICHARD E JENKINS

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ARLES A TAYLOR, JR.

GREGORY A HUNT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BENTLEY J. OLIVE

*CHRIS PERKINS, PH.D.

Re: U.S. Patent Application Serial No. 09/879,279 for
IN VITRO CAPTURE OF NUCLEIC ACIDS VIA MODIFIED
OLIGONUCLEOTIDES AND MAGNETIC BEADS
Our File No. 1392/18/2

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Sir:

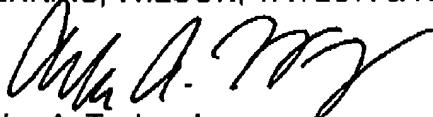
Please find enclosed the following:

1. Response to the Notice of Non-Compliant Amendment (14 pages).

Although no fee is believed to be due, the Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.


Arles A. Taylor, Jr.

Registration No. 39,395

AAT/PAD/omb

Enclosures

Customer No: 25297

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I hereby certify that this correspondence is being facsimile transmitted to (571) 273-8300 Attn: Office of Initial Patent Examination, at the United States Patent and Trademark Office on February 16, 2007.

Oksana Buyrnitzky
Date of Signature February 16, 2007

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Oksana Buynitzky
Date of Signature February 16, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dace et al.

Group Art Unit: 1639

Serial No.: 09/879,279

Examiner: Epperson, Jon D.

Filed: June 12, 2001

Docket No.: 1392/18/2

Confirmation No.: 3524

For: IN VITRO CAPTURE OF NUCLEIC ACIDS VIA MODIFIED OLIGONUCLEOTIDES AND MAGNETIC BEADS

RESPONSE TO NON-COMPLIANT AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is responsive to the Notice of Non-Compliant Amendment dated January 17, 2007, having a period for response that expires on February 17, 2007. Reconsideration of the subject application is respectfully requested in view of the following amendments and remarks.

REMARKS

The Notice of Non-Compliant Amendment mailed January 17, 2007 from the U.S. Patent and Trademark Office (hereinafter referred to as "the Patent Office") indicated that the Amendment dated October 12, 2006 was non-compliant because applicants did not indicate which of new claims 32-51 were readable upon the elected species in accordance with MPEP §809.02(a). Thus, the Patent Office requires that applicants indicate which claims read upon the elected species.

Serial No.: 09/879,279

In response to the Patent Office's assertions, applicants have amended the "Remarks" section of Amendment D (attached) to clarify that all of new claims 32-51 are readable upon the elected species in accordance with M.P.E.P. §809.02(a). No new matter has been added.

Applicants therefore respectfully request that the Non-Compliant status of Amendment D be withdrawn, and further request that Amendment D be entered into the record and forwarded to the Examiner for consideration.

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.



Date: February 16, 2007

By:

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